

**IN THE CLAIMS**

1. (Currently Amended) A content delivery system for delivering content over a network, comprising:

a subscriber serving apparatus serving ~~a user~~ at least one user terminal;

a delivery server for delivering content; and

a billing server for billing for the delivery of the content, wherein

the subscriber serving apparatus includes monitoring means for monitoring a data stream being delivered from the delivery server to the user terminal, and

the billing server includes judging means for judging ~~whether to bill or not bill~~ the amount of billing to be charged to a user ~~the user~~ based on delivery quality of the monitored data stream at the subscriber serving apparatus, and bills the user based on the result of the judgment made by the judging means.

2. (Currently Amended) A content delivery system for delivering content over a network, comprising:

a subscriber serving apparatus serving ~~a user~~ at least one user terminal;

a delivery server for delivering content; and

a billing server for billing for the delivery of the content, wherein

the subscriber serving apparatus includes monitoring means for monitoring a data stream being delivered from the delivery server to the user terminal, and judging means for judging ~~whether to bill or not bill~~ the amount of billing to be charged to a user based on delivery quality of the monitored data stream at the subscriber serving apparatus, and

the billing server bills the user based on the result of the judgment made by the judging means.

3. (Currently Amended) A content delivery system as claimed in claim 1, wherein  
the delivery server includes means for identifying the subscriber serving apparatus serving the user terminal that originated a delivery request, and for sending information specifying the user terminal and the data stream to be monitored to the subscriber serving apparatus, and  
the subscriber serving apparatus, based on the information received from the delivery server, identifies the user terminal and the data stream to be monitored by the monitoring means.

4. (Currently Amended) A content delivery system as claimed in claim 1, further comprising a management apparatus for accepting a delivery request from the user terminal, wherein  
the management apparatus includes means for identifying the subscriber serving apparatus serving the user terminal that originated the delivery request, and for sending information specifying the user terminal and the data stream to be monitored to the subscriber serving apparatus, and  
the subscriber serving apparatus, based on the information received from the management apparatus, identifies the user terminal and the data stream to be monitored by the monitoring means.

5. (Currently Amended) A content delivery system as claimed in claim 1, wherein the judging means includes a billing judgment table for setting a billing parameter, and

determines the amount of billing to be charged to the through the user terminal, based on the result of the judgment of the delivery quality of the monitored data stream and the billing parameter associated therewith.

6. (New) A content delivery system as claimed in claim 1, wherein the judging means judges whether to bill or not bill the user based on the delivery quality of the monitored data stream at the subscriber serving apparatus.

7. (New) A content delivery system as claimed in claim 2, wherein  
the delivery server includes means for identifying the subscriber serving apparatus serving the user terminal that originated a delivery request, and for sending information specifying the user terminal and the data stream to be monitored to the subscriber serving apparatus, and

the subscriber serving apparatus, based on the information received from the delivery server, identifies the user terminal and the data stream to be monitored by the monitoring means.

8. (New) A content delivery system as claimed in claim 2, further comprising a management apparatus for accepting a delivery request from the user terminal, wherein

the management apparatus includes means for identifying the subscriber serving apparatus serving the user terminal that originated the delivery request, and for sending information specifying the user terminal and the data stream to be monitored to the subscriber serving apparatus, and

the subscriber serving apparatus, based on the information received from the management apparatus, identifies the user terminal and the data stream to be monitored by the monitoring means.

9. (New) A content delivery system as claimed in claim 2, wherein the judging means includes a billing judgment table for setting a billing parameter, and determines the amount of billing to be charged to the through the user terminal, based on the result of the judgment of the delivery quality of the monitored data stream and the billing parameter associated therewith.

10. (New) A content delivery system as claimed in claim 2, wherein the judging means judges whether to bill or not bill the user based on the delivery quality of the monitored data stream at the subscriber serving apparatus.